

REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks. The specification has been amended. Claims 1-11 have been canceled. Claims 12-22 have been added. No new matter has been added.

The Examiner objected to the drawings, stating that certain reference numbers were used to designate different elements. Applicant has amended the specification to make the terminology used consistent for each reference numeral.

The Examiner rejected the claims under 35 U.S.C. 112, second paragraph. Applicant has re-written claims 1-11 as new claims 12-22. Applicants submit that claims 12-22 are in compliance with 35 U.S.C. 112.

The Examiner rejected claims 1-11 under 35 U.S.C. 102 as being anticipated by Conti. Applicants respectfully traverse.

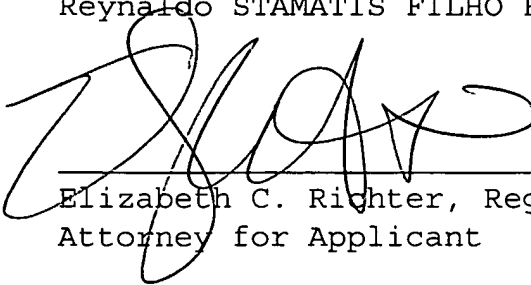
Independent claim 12 recites a median peg disposed in the tubular and vertical section that forms the exit for the cups. This peg turns a cup falling through this section from an upside-down position into an upright position. Conti does not disclose this feature. In Conti, the cup is retained in an upside-down position by hook 35.

Furthermore, regarding claim 12, as well as independent claim 14, Conti fails to disclose a horseshoe-shaped part having an inner section that separates a first cup from the rest of the cups for dispensing the cup. In Conti, three separate dispensing elements 16 are used to separate the cups.

Accordingly, Applicants submit that claims 12-22 are patentable over Conti. Early allowance is respectfully requested.

Applicants also submit herewith an English translation of
the Written Opinion of the International Searching Authority.

Respectfully submitted,
Reynaldo STAMATIS FILHO ET AL



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Elizabeth C. Richter, Reg. No. 35,103
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Enclosure: English translation of the Written Opinion of the
International Searching Authority

I hereby certify that this correspondence is being deposited
with the U.S. Postal Service as first class mail in an envelope
addressed to: Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, on June 8, 2009.



Amy Klein

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/BR2004/000238

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/BR2004/000238

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	1-11
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

D1: US-A-1 666 008 (GRAFFENBERGER FRIEDRICH) 10 April 1928 (1928-04-10)

D2: US-A-4 742 937 (BLOM ET AL) 10 May 1988 (1988-05-10)

1. The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document): A cup dispenser for dispensing cups arranged in stack and nested relation, the opening of the cups are facing upwards.
The dispenser includes: rectangular base (2), cover member (4), spring biased activation stud (14) connected to a U-shaped slide (10) having 2 arms (17) and being slidably mounted in base (2), elongated cylindrical cover (9) protecting against dust and an outlet member (3) receiving the dispensed cups.
- 1.1 The subject-matter of claim 1 differs from D1 in that: the compartment of the dispenser is configured such that the disposable cups (C) are stacked in nested relation, upside down, with there opening facing downwards, and the dispensing opening of the semi-automatic cup dispenser is isolated from the environment by means of a sliding diaphragm (10,63).

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

- 1.2 The problem to be solved by the present invention may be regarded as: Dispensing disposable cups and avoiding penetration of dust and insects into the disposable cups stored in the tubular drawer (4) inside the semi-automatic cup dispenser.
- 1.3 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: The semi-automatic dispenser for disposable cups © has a built-in sliding

diaphragm (10,63) that closes the dispensing opening (16,60) when the activation handle (12,73) is in a nonactivated position, and thereby completely maintaining the inside of the dispenser isolated from the outer environment.

None of the cited documents gives a hint or teaches such a construction.

1.4 Claims 2-11 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

1.5 D2 appears to disclose similar features as D1.

2. Claim 3 is claimed as being dependent on claim 1 and describes a second embodiment with a rectangular box-shaped dispensing mechanism. It appears not to be possible to have a dispenser containing in combination all features of claim 1 and claim 3, i.e. a dispenser having a housing which is half moon/semi-circular and rectangular box-shaped at the same time.

This should be taken in to account if amended claims were to be filed.

INTERNATIONAL SEARCH REPORT

national Application No

:T/BR2004/000238

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A47F1/10

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 A47F B65G

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 1 666 008 A (GRAFFENBERGER FRIEDRICH) 10 April 1928 (1928-04-10) the whole document	1-11
A	US 4 742 937 A (BLOM ET AL) 10 May 1988 (1988-05-10) abstract; figures	1-11

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

Z document member of the same patent family

Date of the actual completion of the international search

17 March 2005

Date of mailing of the international search report

01/04/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Ottesen, R

INTERNATIONAL SEARCH REPORT

Information on patent family members

national Application No

T/BR2004/000238

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 1666008	A	10-04-1928	NONE	
US 4742937	A	10-05-1988	AT 390874 B	10-07-1990
			AT 55383 A	15-01-1990
			CA 1241618 A1	06-09-1988
			CH 662541 A5	15-10-1987
			DE 3404509 A1	23-08-1984
			ES 8502948 A1	01-05-1985
			FR 2541253 A1	24-08-1984
			GB 2135291 A , B	30-08-1984
			IT 1199425 B	30-12-1988
			JP 1788940 C	10-09-1993
			JP 4078535 B	11-12-1992
			JP 59158740 A	08-09-1984
			NL 8400500 A	17-09-1984
			NO 840462 A , B ,	20-08-1984
			SE 449351 B	27-04-1987
			SE 8400743 A	19-08-1984
			ZA 8400977 A	26-09-1984

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

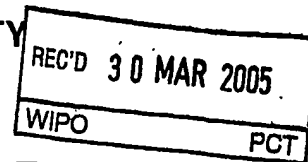
(PCT Rule 44bis)

Applicant's or agent's file reference PI 0305003-3	FOR FURTHER ACTION	See item 4 below
International application No. PCT/BR2004/000238	International filing date (<i>day/month/year</i>) 29 November 2004 (29.11.2004)	Priority date (<i>day/month/year</i>) 05 December 2003 (05.12.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant STAMATIS FILHO, Reynaldo		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	This REPORT consists of a total of 6 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 740 14 35</p>	<p>Date of issuance of this report 07 June 2006 (07.06.2006)</p> <hr/> <p>Authorized officer</p> <p style="text-align: center; font-size: 1.2em;">Simin Baharlou</p> <p>Telephone No. +41 22 338 71 30</p>
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PATENT COOPERATION TREATY



From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/BR2004/000238

International filing date (day/month/year)
29.11.2004

Priority date (day/month/year)
05.12.2003

International Patent Classification (IPC) or both national classification and IPC
A47F1/10

Applicant
STAMATIS FILHO, Reynaldo

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
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- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Ottesen, R

Telephone No. +31 70 340-2149



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/BR2004/000238

Box No. I Basis of the opinion

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INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/BR2004/000238

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-11
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Inventive step (IS)	Yes: Claims	1-11
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

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The dispenser includes: rectangular base (2), cover member (4), spring biased activation stud (14) connected to a U-shaped slide (10) having 2 arms (17) and being slidably mounted in base (2), elongated cylindrical cover (9) protecting against dust and an outlet member (3) receiving the dispensed cups.
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- The subject-matter of claim 1 is therefore new (Article 33(2) PCT).
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- 1.3 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: The semi-automatic dispenser for disposable cups © has a built-in sliding

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